IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICITON

CUSTOMS APPEAL NO.51 OF 2007

M/s.Beejay Clearing &
Forwarding Agency .. Appellant.

Versus

The Commissioner of Customs .. Respondent.

Ms.Aarti Sathe with Mr.Madhur Baya for the appellant.

Mr.Y.R. Mishra with Mr.H.P. Chaturvedy for the respondent.

CORAM : F.I. REBELLO &
J.P. DEVADHAR, JJ.

DATED : 13TH SEPTEMBER, 2007.

P.C. :

1. The present appeal is preferred against order dated 20/2/06 whereby penalty imposed of Rs.1.50 lakhs by the Adjudicating Authority has been confirmed by the Appellate Authrity.

2. In the instant case, in the goods to be exported, mandrex tablets were found and seized. One Mr. John Mathew, partner of the appellant herein had verified the documents. Statement of one of the employee Mr.Yesu Marian Justin was recorded, who admitted to Mr.John Mathew verifying the documents, preparing shipping bill and signing the documents, the only contention was that it was done in good faith. He further stated that he had never

seen Mr.Malhotra, who signed the Export invoice. Further he tried to locate Mr.Malhotra & Rainbow Trading Corporation and found to be fictitious. In these circumstances on the fact that Mr.John Mathew signed the documents, the Adjudicating Authority imposed penalty. the Appellate Authority considering said findings confirmed the finding of fact.

3. The question of law as framed would not arise as the findings are concurrent findings of fact. Nothing has been brought to our attention warranting an inferance that the said finding is perverse. No interference is called for. The Appeal is dismissed.

(F.I. REBELLO, J.)

(J.P. DEVADHAR, J.)